

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:23-cv-00327-MR-WCM**

THOMAS YUCHASZ,

Plaintiff,

vs.

**DEPUY ORTHOPAEDICS, INC. and
JOHNSON & JOHNSON, INC.,**

Defendants.

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ORDER

THIS MATTER is before the Court *sua sponte*.

The Plaintiff initiated this action against the Defendants on November 11, 2023. [Doc. 1]. More than 90 days have now passed from the filing of the Complaint, and there is nothing in the record to indicate that the Plaintiff has served either of the Defendants. Rule 4(m) of the Federal Rules of Civil Procedure provides, in pertinent part, as follows:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

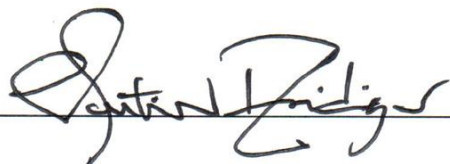
Fed. R. Civ. P. 4(m).

The Plaintiff is hereby placed on notice that unless good cause is shown to the Court for its failure to effect service of the Summons and Complaint on the Defendants within fourteen (14) days from service of this Order, the Plaintiff's action against the Defendants shall be dismissed without prejudice without further order of the Court.

IT IS, THEREFORE, ORDERED that the Plaintiff shall show good cause within fourteen (14) days of service of this Order for the failure to effect service on the Defendants. Failure of the Plaintiff to respond in writing within fourteen (14) days shall result in a dismissal without prejudice of this action without further order of the Court.

IT IS SO ORDERED.

Signed: February 26, 2024



Martin Reidinger
Chief United States District Judge

